

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 18, 2007

No. 07-40349
Summary Calendar

Charles R. Fulbruge III
Clerk

JON RAYMOND CARRIGAN

Petitioner-Appellant

v.

UNITED STATES OF AMERICA

Respondent-Appellee

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:06-CV-288

Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Jon Raymond Carrigan, federal prisoner # 26552-177, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition in which he challenged his conviction for conspiracy to possess pseudoephedrine with the intent to manufacture methamphetamine. Carrigan does not dispute that the claims raised in the instant § 2241 petition were raised in his prior § 2241 petition, which was dismissed for lack of jurisdiction because he failed to satisfy the criteria of the 28 U.S.C. § 2255 savings clause. He argues that he should be

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

allowed to proceed under the savings clause on the basis of the discovery of new information pertaining to his claims, specifically, the addendum to the presentence report.

In order to satisfy the criteria of the 28 U.S.C. § 2255 savings clause, Carrigan must show that his claim is based on a retroactively applicable Supreme Court decision which establishes that he may have been convicted of a nonexistent offense and that the claim was foreclosed by circuit law at the time when it should have been raised at trial, on appeal, or in an initial § 2255 motion. See *Reyes-Requena v. United States*, 243 F.3d 893, 904 (5th Cir. 2001). Carrigan has not made the requisite showing. See *id.* Accordingly, the district court's dismissal of Carrigan's § 2241 petition is AFFIRMED.

Carrigan is CAUTIONED that the filing of repetitious or frivolous pleadings will result in the imposition of a sanction.